

**TOWN OF DAYTON  
REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS, DAYTON TOWN HALL  
October 10, 2023**

**COUNCIL MEMBERS PRESENT:** Mayor Cary Jackson, Vice Mayor Bradford Dyjak, Bob Wolz, Melody Pannell and Susan Mathias

**COUNCIL MEMBERS ABSENT:** Emily Estes and Robert Seward

**ALSO PRESENT:** Jordan Bowman, Town Attorney; Earl Mathers, Interim Town Manager; Police Chief Justin Trout, Christine Wade, Deputy Clerk and Meggie Roche, Zoning Administrator

**CALL TO ORDER:** Mayor Jackson called the meeting to order at 6:00 p.m., welcomed guests both in person and those joining remotely as the meeting is also available for live stream viewing via Zoom. He stated that the Council would only hear public comment tonight from those attending in-person and had signed up to speak and that speakers would be limited to five minutes each. Deputy Clerk Wade called the roll. Mayor Jackson led the Invocation and the Pledge of Allegiance

**PUBLIC HEARING:** Mayor Jackson opened the public hearing for the council to hear public comments regarding the Rezoning Request on John Wayland Highway at 6:04 pm. He stated that speakers were asked to speak directly to the Council and state name and address. Mayor Jackson welcomed Brian Wilfong (the developer) and Carl Snyder and Craig George (the Engineers) and asked Meggie Roche the Zoning Administrator to provide a staff report. Meggie Roche stated that the purpose of tonight's public hearing is to hear comments regarding a rezoning request from developer Brian Wilfong, represented by Carl Snyder with Valley Engineering, to rezone approximately 9.5 acres of commercially zoned B-1 property to a mix of approximately 6.5 acres of high-density residential zoning R-3 and approximately 3 acres of commercial B-1 zoning. As shown on the site plan, the developer intends to build 7 three-story apartment buildings if the rezoning request is approved. Following comments made at the Planning Commission public hearing, the developer offered 3 proffers. The first is density – total units will not exceed 114. The second is the general layout of the site. The third proffer is to provide a natural buffer on exterior property lines. The planning commission has voted to recommend approval. Ms. Roche then turned it over to the developer and engineer to share more. Carl Snyder from Valley Engineering was the first to speak to the Council. Mr. Snyder stated that this was a cumulation of months of working together with the Planning Commission and talking and listening to residents of Dayton and he feels that they have a very well, thought out plan. He stated that he knew this site was very much like the "Gateway to Dayton" and wanted to make sure that the overall look went along with the feel of small-town Dayton. Mr. Snyder indicated that the rezoning request was market driven, as the land has been vacant for over 3 decades with little commercial interest. Craig George spoke next about the in-depth details of what this would look like, he shared slides to show the difference between what a typical 3 story apartment building looks like compared to what they are wanting to do. He shared a few slides showing pictures of what it will not look like. One of the slides showed a different way to use parking and green space to give it a different feel and not just the typical 3 story apartment setting.

Mayor Jackson asked Bernard Koogler if he was ready to speak. Mr. Koogler stated he lived on 111 Koogler Lane and that he had been to the August 17, 2023, Planning Commission Meeting and he had not received any answers to the questions he had. Mayor Jackson said he was sorry to hear this and promised Mr. Koogler that if he would provide him with a copy of his questions, he would make sure to get answers to them all. Mr. Koogler said he would appreciate answers. His questions were concerning water and sewer, traffic patterns and designs. Does business zone have different entrance? Mr. Koogler stated reasons for opposing R3 residential rezoning: complaints about noise, odors, farm traffic, neighbors out in the roadway and coming onto farm are a liability against those that currently reside there. He stated that residential and agricultural zonings don't mix well. He also stated that this residential proposal will be 275 ft from his dairy and manure pit.

Lewis Knicely of 465 Main Street was next to speak and affirmed what Mr. Koogler stated. He was worried about the entrance with traffic and farm equipment. He asked the council if they wanted high density development in this area. It would take away from the look and feel of Dayton. Mr. Nathan Mathias was to speak next and stated that he agreed with everything that Mr. Koogler and Mr. Knicely said and those were his concerns too.

Mayor Jackson asked if Mr. Snyder or Mr. Wilfong would like to respond to any of the questions or concerns. Mr. Snyder said he would respond and spoke to the council about the concern for the traffic and if there were going to be any extra entrances. He shared the Development rezoning map and shared again that there would be no additional entrances into the site plan and outlined exactly where the lane would be. He also restated about the trees being a border around the subdivision.

Mayor Jackson asked if there were any more comments or questions at that time. As there were none, Mayor Jackson stated that the Public Hearing was concluded at 6:36 P.M.

**APPROVAL OF MINUTES:** Mayor Jackson asked for a motion to approve the minutes as written for the Regular Council Meeting of September 11, 2023, and the Special Called Closed Council Meeting of September 22, 2023, as presented. Councilperson Wolz replied so moved; the motion was seconded by Councilperson Mathias and there was no additional discussion. The motion was approved by an all-in favor vote of 5-0 with two members absent.

**ACTION ITEM:** Mayor Jackson stated that the first action item on the agenda is the consideration of a Tree Removal and Maintenance Policy and asked Mr. Mathers to give a report. Mr. Mathers told the council that this policy mostly has to do with Tree Removal and Maintenance of trees within the Town's public utility rights-of-way or within the VDOT rights-of-way and they have the discretion to maintain and/or remove trees. The Town Manager can make the determination for the Town to occasionally maintain or remove trees in other areas within the Town's jurisdictional limits if there is compelling reason to do so. For example, if a tree is a significant threat to public safety, or if any infectious disease or insect infestation exists that threatens the health of the tree or other trees, or if a tree obstructs a public right of way or obstructs the view of traffic signs. Mayor Jackson added that there had been a tremendous amount of conversation about this between the council and staff. He thanked everyone for their effort on this. Mayor Jackson asked for a motion to approve the Tree Removal and Maintenance Policy as written. Vice Mayor Dyjak replied so moved, and Councilperson Mathias seconded it. The motion was approved by an all-in favor vote of 5-0 with two members absent. **ACTION ITEM:** Second action item is the consideration of rezoning on John Wayland Highway. The Planning Commission has voted to recommend an approval. Mayor Jackson stated that the Council's options tonight are to either approve, deny or table this request. He then shared his thoughts and

feelings about the importance to keep the look and feel of Dayton as is, when adding any type of development. He stated that it was important to look at the use, the citizens and the impact area. He stated that they had heard and discussed all the comments and concerns and that now it was time to hear from other Council Members. Councilperson Pannell thanked everyone for their input and stated that she wanted to be open to the possibility and look at what they needed to do. She does not want to see all commercial. Councilperson Wolz stated his concern is much the same, doesn't want the look of a bunch of businesses. He said that he was concerned if we leave it like it is right now, that they could put something in that spot that they do not want. Councilperson Mathias stated that this would impact the entrance to their farm. She isn't too happy about this in general, whether it was this or another idea. She would be willing to take a risk with a business there and feels economically this is better for Dayton. She isn't worried about a Sheets, 7-11 or a restaurant there that is on the outskirts of the town and would still benefit Dayton. Councilperson Mathias said she would support whatever is voted for and believes that they have the needed information for this. Vice Mayor Dyjak thanked everyone for coming out and stated this was a very critical decision. That the council and the staff have taken the time to go through all the information and weigh all the options. It's important to realize what we are actually deciding, one is that this is the "gateway to the town", two it is the Town's future, and three we have to remind ourselves what the opportunity costs are and what has not occurred and what could occur. We now have a concept plan and that only occurred because the developers have listened to the comments and concerns and input from the Planning Commission. Mayor Jackson asked if there were any other comments or discussion, as there was none, he then asked for a motion to approve, deny or table. Vice Mayor Dyjak stated that he made this as a weighty decision. He wanted to make a finding that the application meets the zoning requirements under the Town code and meets the public utilities requirements, is consistent with the comprehensive plan by encouraging efficient and orderly land development patterns which integrates residential, commercial, industrial, and institutional uses in the Town. Also, that it is consistent in that it ensures large scale commercial development uses are integrated into surrounding neighborhoods, being proximate to roadways and that the appropriateness of mixed use for planned development should include a mix of business and residential units by encouraging compatible design. For those reasons I would make a motion to approve for the rezoning for the front portion to town B1 and the rear to town R3. Councilperson Pannell seconded and the motion passed by a roll call vote of 3 to 2 with the voting recorded as follows: DYJAK—AYE; PANNELL—AYE; MATHIAS—NAY; WOLZ—NAY; JACKSON—AYE; ESTES—ABSENT; SEWARD-ABSENT.

**PUBLIC COMMENT:** Mayor Jackson recognized Town resident Dana Fenner to speak. She provided flyers to council and staff and said that she is the member of the new group in town, it now has a name and mission statement, "Bee Friends of Dayton" They want to bring awareness to the Dayton community of the importance of pollination to our food supply and to encourage the creation of pollinator gardens. They are excited to partner with the Town and citizens to create pollinator gardens.

Deb Crank was recognized next. She wanted to thank everyone for supporting Dayton Days. She specifically thanked Meggie Roche and Christine Wade for taking it on and all they did. She said you can never satisfy 20,000 visitors and 500 vendors but that the Town did a great job, and it was an accomplishment for this small town. She also wanted to talk about the Dayton Giving Tree. They have plans for the Thomas House, Heritage Real Estate and Pitt Stop to have the trees this

year. During the Thanksgiving holiday, small town Christmas and small-town business will be happening. She also wanted to thank Public Works for how nice the sidewalks look this year.

**MANAGER'S REPORT:** Interim Town Manager Earl Mathers provided a written report, which is attached. He wanted to thank everyone that was involved with Dayton Days, and he marveled at the work that was done by staff and volunteers and the community. It was a fabulous event! The playground equipment is installed, and the sidewalk project is complete.

**POLICE REPORT:** Chief Justin Trout stated that Council had his report as part of the Managers report.

**TOWN ATTORNEY REPORT:** Nothing to report.

**MAYOR AND COUNCIL REPORTS:** Vice Mayor Dyjak gave a report for Economic & Community Development. He wanted to echo all the comments about Dayton Days. The Business Spotlight series is continuing this month. Progress will resume on the Downtown revitalization grant. Dyjak also shared about the audits are continuing to go through and that they should have a meeting soon. Mr. Mathers shared the audits are proceeding and that next month they should have the report out. Mayor Jackson asked for a report for Infrastructure and Police. Councilperson Wolz stated there was no meeting for either. Councilperson Wolz reported for Parks, Recreation and Beautification and stated that there was no meeting, but the new playground is in. On October 21 there will be a ribbon cutting for the new playground along with a bonfire at Sunset Park. (aka The Purple Park) Mayor Jackson asked Councilperson Mathias for a Personnel report and she replied that there was no report as there were no meetings. Mayor Jackson then shared that they had narrowed the candidate pool for the Town Manager position. They had an interview last week and then interviews on Monday and they will conduct final interviews next week. By the end of next week they hope to have an offer.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:** None.

**ADJOURNMENT:** With there being no further business to come before the Council, Councilperson Mathias made a motion to adjourn. Vice Mayor Dyjak seconded the motion and it passed unanimously. The meeting was adjourned at 7:16 p.m.

Respectfully Submitted,

  
Cary Jackson, Mayor

  
Earl Mathers, Clerk of Council

## **Town Manager's Report**

### **September 2023**

#### **Town Manager's Office**

- The acquisition of land for the water tank is going well and is under review by the county. Preliminary engineering design for the stormwater catchment areas has been provided by the engineers.
- It is projected that Well #2 will be repaired by the end of October. The loss of this facility is a reminder of our need to continue building capacity.
- There has been a new development in the pollinator garden concept. A new proposal should be issued in about a month and this concept will focus on the creation of three smaller gardens in locations around the community. These would be established and maintained by "Bee Friends of Dayton".
- Recent discussions with several community members revealed the fact that there is a very strong desire on the part of many to preserve the cultural heritage of Dayton and mitigate the impact of anticipated growth pressure. Although the actual level of growth pressure may be relatively low, the perceived concern is noteworthy. It is recommended that some form of community visioning process be considered in the future. Planning growth with strong community buy-in yields better results while informing the public and possibly reducing future resistance.
- Auditors completed their on-site work with an exit interview that did not reveal any glaring problems. Due to the small size of the organization, it is difficult to establish the range of internal control that larger entities can create. However, the auditors were helpful and provided some useful guidance moving forward. Considering the turnover during the last fiscal year, our progress has been extraordinary.
- Project activities have advanced reasonably well. The sidewalk project was completed as was the Mason Street waterline. There have been some resident complaints along Mason Street, and we are requiring the contractor to address those concerns. Although delayed, the playground equipment arrived on October 3<sup>rd</sup>.

#### **Water Department**

- Water Plant treated 48.936 million gallons of water in the month of September.
- Purchased 161,000 gallons from Rockingham County for Sydnor to rebuild CLA-Val valves on the high service pumps at the water plant.
- Rockingham County purchased 885,744 gallons of water from the town.
- Attended the Shenandoah Valley Produce Auction for pumpkins for fall décor.
- Picked up mums for fall décor and reserved pansies for winter.
- Decorated the town for fall.
- Sprayed in town for Dayton Days.
- Waco returned for a few final fixes on the new facility.

## **Economic and Community Development**

### **Economic Development**

- Wayfinding Signage: Staff are working with VDOT and the sign contractor to come up with a new design for the gateways that will go in the median. The remainder of the project will proceed on schedule.
- Downtown Revitalization Grant: A grant contract from DHCD was received. A kick-off meeting for the second phase of the grant will be held later this month.
- Business Spotlights: Rustic Oracle and The Cottage have chosen to delay their spotlight. The Thomas House will be featured in October.
- Façade Enhancement Grant: No new applications received.
- New Business:
  - Congratulations to Harvest Table on their one-year anniversary!

### **Community Development**

- One zoning permit was issued.
- No Certificates of Occupancy were issued.
- No Chicken Keeping Applications were received.
- No Short-Term Rental Applications were received.
- No applications for a Home Occupations Permit were received.
- Responded to 5 zoning inquiries.
- Staff submitted the first round of comments for the Dayton Crossing site plan. Revisions are expected later this fall.
- The planning commission voted to recommend approval of the Wilfong, 3049 LLC rezoning request at 3049 John Wayland Hwy. There will be a public hearing for the Town Council at the October 10 regular meeting. See rezoning staff report for more information.

### **Events**

- The final summer concert was on September 16 with Big City Band and attended by close to 300 people. Thank you to Thomas House for providing BBQ to be sold at the concerts this year!
- Dayton Days will return on October 7. The festival is at full capacity! Based on last year's feedback, an additional food area has been added at the north end of Main Street featuring "handheld" foods. Another change from last year – the Town information booth will be at Dove Park.
- The fall bonfire is on October 21 at 6 pm and will now be held at Sunset Park. There will be smores, weenies, and kids' games. If the playground equipment is installed in time, we will also be doing a ribbon cutting for the new equipment that evening.
- Applications are open for the Christmas parade, happening on December 9 at 10 am.

## **Other**

- Staff received no applications for the EDA or BZA. Vacancies will be open until filled.
- Jeremy Holland was appointed to the Planning Commission.
- Attended HRMPO TAC meeting on September 7.
- Attended the Virginia Association of Zoning Officials conference from September 20-22.

## **Treasurer's Office**

- Auditors completed final fieldwork. The annual audit report to the Council is tentatively scheduled for the November Council meeting. Staff will advise Council if any adjustments and carry overs will be necessary.
- VRSA Worker's Compensation Audit scheduled for October 3, 2023.
- Staff mailed 30 cut-off notices for unpaid water service. Service interruption is scheduled for October 20, 2023. There were no service interruptions in September.
- Staff are working on the billings for Real Estate Taxes and Vehicle License Fees and expect those bills to go out in November with a due date of December 5, 2023.

## **Public Works**

- The waterline upgrade along Mason St. has been completed. They're a few items that need to be addressed with the project and we're working to get those resolved soon.
- The Phase Two College St Sidewalk Project is now complete. Roughly 1000 feet of new sidewalk was poured between the two projects.
- Tri-Phase Electric will be doing the installation of the lights and outlets along the Greenway Trail.
- The playground equipment for Suset Park was delayed. The new delivery date is 10/3 with an installation date of 10/6.

## **Police Department**

### **1. Personnel**

#### **A. Employee recognitions**

- Officer Roadcap completed his Firearm Instructor Certification.

#### **B. Training**

- All officers completed DEQ training.
- RPTG training meeting completed.

### **2. Activity Report September 2023**

Calls for Service	Incident Reports	IBR Reports	Arrests	Crashes	Citations
634	617	8	3	6	128

### **3. Project Updates**

- Accreditation
  - Accreditation Assessment is December 4-6, 2023.
- USDA Vehicle Grant
  - Grant documentation sent to USDA. Awaiting date for grant closure.
- DCJS ARPA Law Enforcement Equipment and Technology Grant.
  - Closing in October.
- Heat Grant Awarded.
  - Working with Dominion VA Power for placement.



**Town of Dayton**  
**Budget v. Actual Report**  
**FY24 PERIOD ENDING 9/30/2023**

REVENUES	Budget	MTD	YTD	Variance	% Revd
<b>General Fund</b>					
Property Taxes	\$ 166,500	\$ -	\$ -	\$ (166,500)	0%
Other Local Taxes	\$ 415,250	\$ 12,911	\$ 83,149	\$ (333,101)	20%
Permits, Privilege Fees & Licenses	\$ 500	\$ 20	\$ 1,265	\$ 765	255%
Fines & Forfeitures	\$ 42,500	\$ 4,488	\$ 21,525	\$ (20,975)	51%
Rev. from use of money & prop.	\$ 500	\$ -	\$ 75	\$ (425)	15%
Charges for services	\$ 165,000	\$ 14,200	\$ 28,276	\$ (136,724)	17%
Other	\$ 116,000	\$ 818	\$ 8,596	\$ (107,404)	7%
State & Federal Funding	\$ 133,872	\$ -	\$ 3,846	\$ (130,026)	3%
Transfer from Water & Sewer	\$ 1,338,264	\$ -	\$ -	\$ (1,338,264)	0%
<b>TOTAL GF REVENUES</b>	<b>\$ 2,379,386</b>	<b>\$ 32,437</b>	<b>\$ 146,732</b>	<b>\$ (2,232,654)</b>	<b>6%</b>
<b>General Capital Fund</b>					
Transfer from Water & Sewer	\$ 573,879				
Carry over funds from PY					
<b>Water &amp; Sewer Capital Fund</b>					
Transfer from Water & Sewer Fund	\$ 446,575				
Carry over funds from PY	\$ 0				
<b>TOTAL CAPITAL FUND</b>	<b>\$ 1,220,454</b>				
<b>Water &amp; Sewer Fund</b>					
Charges for Service	\$ 3,733,600	\$ 376,247	\$ 705,035	\$ (3,057,355)	19%
W&S Conn Fees	\$ 20,000	\$ 5,250	\$ 5,250	\$ (14,750)	26%
Interest	\$ 10,000	\$ 9,000	\$ 20,948	\$ 10,948	209%
Misc.	\$ 2,500	\$ 0	\$ 100	\$ (2,400)	4%
Funding from Reserves	\$ 112,075	\$ 0	\$ 0	\$ (112,075)	0%
<b>TOTAL W&amp;S REVENUES</b>	<b>\$ 3,878,175</b>	<b>\$ 390,497</b>	<b>\$ 731,333</b>	<b>\$ (3,146,842)</b>	<b>19%</b>
<b>TOTAL REVENUES</b>	<b>\$ 7,478,015</b>	<b>\$ 422,934</b>	<b>\$ 878,065</b>	<b>\$ (6,599,950)</b>	<b>12%</b>

EXPENDITURES	Budget	MTD	YTD	Variance	% Used
<b>General Government</b>					
Public Safety	\$ 635,791	\$ 50,741	\$ 166,926	\$ 468,865	26%
Public Works	\$ 816,130	\$ 61,851	\$ 231,081	\$ 585,049	28%
Parks, Rec & Culture	\$ 529,165	\$ 37,582	\$ 116,738	\$ 412,427	22%
Community Development	\$ 201,506	\$ 13,935	\$ 33,810	\$ 167,696	17%
<b>TOTAL GF EXPENDITURES</b>	<b>\$ 1,967,592</b>	<b>\$ 163,109</b>	<b>\$ 548,555</b>	<b>\$ 1,424,483</b>	<b>12%</b>
<b>Capital Projects *will have carry over from FY23--amounts pending final computation</b>					
PD Equipment*	\$ 50,000	\$ 537	\$ 61,853	\$ (11,853)	124%
Greenway Project	\$ 54,438	\$ -	\$ -	\$ 54,438	0%
King Street Extension	\$ 75,649	\$ -	\$ -	\$ 75,649	0%
Sign Program	\$ 250,812	\$ -	\$ -	\$ 250,812	0%
Sidewalks	\$ 42,980	\$ 13,372	\$ 14,315	\$ 28,665	33%
Town Street & Alley Resurfacing	\$ 50,000	\$ -	\$ -	\$ 50,000	0%
Land Acquisition & Amenities	\$ 75,000	\$ -	\$ 23,850	\$ 51,150	32%
Playground Equipment	\$ 65,000	\$ -	\$ -	\$ 65,000	0%
Public Works Vehicle *	\$ -	\$ 52,290	\$ 52,290	\$ (52,290)	75%
Dump Truck	\$ 75,000	\$ 56,353	\$ 56,353	\$ 18,647	100%
Ventrac Mower	\$ 35,000	\$ -	\$ 34,895	\$ 105	100%
Water Line Extension	\$ 145,000	\$ -	\$ -	\$ 145,000	0%
Water Storage Facility	\$ 100,000	\$ -	\$ -	\$ 100,000	0%
Water/Sewer Line Replacement	\$ 201,575	\$ 665	\$ 665	\$ 200,910	0%
<b>TOTAL CAPITAL PROJECTS</b>	<b>\$ 1,220,454</b>	<b>\$ 123,217</b>	<b>\$ 244,221</b>	<b>\$ 976,233</b>	<b>20%</b>
<b>Water &amp; Sewer Fund</b>					
Operating	\$ 705,646	\$ 49,082	\$ 162,658	\$ 542,988	23%
HRRSA	\$ 1,809,265	\$ 154,184	\$ 465,166	\$ 1,344,099	26%
Water Fund Contingency	\$ 25,000	\$ -	\$ -	\$ 25,000	0%
<b>TOTAL W &amp; S EXPENDITURES</b>	<b>\$ 2,539,911</b>	<b>\$ 203,266</b>	<b>\$ 627,824</b>	<b>\$ 1,912,087</b>	<b>25%</b>
Transfer to General	\$ 1,338,264				
Transfer to Capital-Water & Sewer	\$ 0				
Transfer to Reserves	\$ 0				
<b>TOTAL CAPITAL TRANSFER</b>	<b>\$ 1,338,264</b>				
<b>TOTAL EXPENDITURES</b>	<b>\$ 7,478,015</b>	<b>\$ 496,796</b>	<b>\$ 1,444,401</b>	<b>\$ 6,033,614</b>	<b>19%</b>
<b>NET TOTAL</b>		<b>\$ (575,852)</b>	<b>\$ (566,336)</b>		

\*pending budget amendment